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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,404	03/12/2004	Toshihiko Fukasawa	1232-4473US1	5974
27123	7590	04/14/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER				
TRUONG, LAN DAI T				
ART UNIT		PAPER NUMBER		
2152				
NOTIFICATION DATE		DELIVERY MODE		
04/14/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com

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Office Action Summary

Application No.

10/798,404

Applicant(s)

FUKASAWA ET AL.

Examiner

LAN-DAI Thi TRUONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-25, 27-30, 32-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-25, 27-30, 32-35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/22/2008 has been entered.

2. This action is response to communications: application, filed on 03/12/2004; amendment filed on 01/22/2008; claims 23-25, 27-30, 32-35 and 37 are pending; claims 1-22, 26, 31 and 36 are canceled; claims 23, 27-28, 32-33 and 37 are amended.

3. The applicant's arguments filed on 01/22/2008 have fully considered but they are moot in view with new ground for rejections.

Claim rejections-35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27, 32 and 37 are rejected under 35 U.S.C 112 ^{second paragraph} as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 27:

Applicant fails to point out if “the same client” as claimed is the first client or the second client. The appropriate correction is requested.

Regarding claims 32 and 37:

Those claims are rejected under rationale of claim 27.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-24, 27-29, 32-34 and 37 are rejected under 35 U.S.C 103(a) as being unpatentable over Nam et al. (U.S. 6,138,163) in view of Brady et al. (U.S. 5,808,607) and further in view of Guedalia (U.S. 6,536,043).

Regarding claim 23:

Nam discloses the invention substantially as claimed, including an apparatus, which can be implemented in a computer hardware or software code for delivering video stream data from a server having an image sensing device to clients via a network, comprising:

a connection management device adapted to make a connection with the server having the image sensing device via the network, and to get the video stream data from the server

having the image sensing device: (Nam discloses a HTTP mediate server that implements functions of controlling communications between network client browsers and video servers. The HTTP mediate server is capable to establish connections between the network client browsers and the video servers so that the network client browsers will receive real-time video data streams from the video server after sending a service request to the video server: abstract; figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67).

a memory control device adapted to store the video stream data from the server having the image sending device, in a buffer memory: (the HTTP relay server includes a stream controller or cache those are used to store the video data streams transmitted from the video servers: Nam, column 3, lines 27-41, lines 62-67; column 4, lines 1-7).

a deliver adapted to deliver the video stream data stored in the buffer memory via the network: (stream controller is adapted to deliver received data from the video server to the network client browser for displaying: Nam, column 3, lines 62-67; column 4, lines 1-7; column 4, lines 15-26).

However, Nam does not explicitly disclose determining whether receiving requests each from the first and second clients during a predetermined period, and to deliver the same video data of the video stream data to the first and second client in case that deliver device receives the requests each from the first and second clients during the predetermined period.

In analogous art, Brady discloses method of providing audiovisual presentation from a single buffer to a plurality of viewing terminals when requests are close in time. Brady clearly discloses that when viewing terminals requests are received within a time period, then both of the

first viewing terminal requester and subsequent requesting viewing terminals are able to receive the audiovisual presentation directly from the same buffer, see (abstract, lines 12-26).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brady's ideas of receiving same audiovisual presentation from the same buffer if the requests are received within a same time period into Nam's system in order to increase efficiencies for data distribution system (e.g. reduce bandwidth and memory utilization, and providing services simultaneously for large numbers of subscribers), see (Brady: column 1, lines 45-67).

However, Nam-Brady does not explicitly disclose delivering the video stream data stored in the buffer memory to the a first client different from the second client without starting a new connection between the relay apparatus and the server, in case that a connection has been established between the relay apparatus and the server to deliver the video stream to the second client

In analogous art, Guedalia discloses a proxy which implements as intermediary agent for digital data transmission communications between an image server and numbers of clients. The proxy is capable to cache digital data delivered from the image server to the clients. And then the proxy delivers the cached video data directly to the clients without starting new connection with the image server if the services are requested again by any one of the clients, see (figure 11, items 98, 77 and 80; column 24, lines 58-67; column 15, lines 1-35; column 11, lines 25-40).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Guedalia's ideas of using proxies as large cache for delivering

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the cached media data direct to clients without starting new connection between the proxies and the media server into Nam-Brady's system in order to save communication bandwidth and memory utilizations, and further to increase communication speed, see (Guedalia column 25, lines 1-3).

Regarding claims 28 and 33:

Those claims are rejected under rationale of claim 23.

Regarding claim 24:

In addition to rejection in claim 23, Nam- Brady-Guedalia further discloses protocol between the relay apparatus and clients is HTTP: (Nam discloses the relay server also supports HTTP: column 3, lines 27-40).

Regarding claims 29 and 34

Those claims are rejected under rationale of claim 24.

Regarding claim 27:

In addition to rejection in claim 23, Nam- Brady-Guedalia further discloses wherein the predetermined period is a period between the point where the deliver device receives a request from one of the first and second clients and the point where the deliver device receives a next request from the same client: (Brady, column 1, lines 45-67).

Regarding claims 32 and 37:

Those claims are rejected under rationale of claim 27.

Claims 25, 30 and 35 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam- Brady-Guedalia in view of Segur (U.S. 6,212,550).

Regarding claim 25:

Nam- Brady-Guedalia discloses the invention substantially as disclosed in claim 23, but does not explicitly teach converting video data stream.

In analogous art, Segur discloses method for converting video data stream into another format compatible for communications: (abstract; figure 1).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Segur's ideas of converting data from one format into another format into Nam- Brady-Guedalia's system in order to provide a convenient communication system for Internet users such as ability of sharing relevant information via using different communication platforms, see (Segur: column 3, lines 66-67; column 4, lines 1-9).

Regarding claims 30 and 35:

Those claims are rejected under rationale of claim 25.

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Relay Apparatus, system and method, and storage medium": 5838912; 6041359; 5948070; 6160544; 6141729; 5481757; 6148301; 6684080; 6202156; 5708916; 6230203; 5861883.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

04/07/2008

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152